

To
MAJOR CARTWRIGHT.

LETTER VI.

The release of the eleven English Officers at Philadelphia.—The prospects of freedom in South America.—Sir Francis Burdett in Ireland.

North-Hampstead, Long-Island, Jan. 5, 1818.

MY DEAR SIR,

Before I enter upon the subjects of this letter, as above stated, I think it right to notice two or three topics which are not at all connected with those subjects.

First, then, begging you to accept of my kindest congratulations on your entrance into a new year, let me express my hope, that this year will prove more disgraceful to the Borough-mongers than the year which has just closed. During the last year we drove them to deeds of desperation. During the last year we made them fling off the mask, and show to the world, that they really were the tyrants that we had always described them to be. During this year, we shall, I trust, see the foundation laid for the total overthrow of their base usurpations. During the last year we made them flee to the bayonet for protection; and during this year, we shall, I hope, convince them, that there is no protection left for them. During the last year they were guilty of deeds far surpassing Empson and Dudley; and let me hope that the time is fast approaching, when we shall have to remind them, that Empson and Dudley were hanged by the neck till they were dead, notwithstanding their deeds were committed under the sanction of acts of Parliament; because those acts of Parliament were contrary to Magna Charta; that is to say, contrary to

the writing in which the liberties of Englishmen are recorded; which liberties are their "birth-right," and which birth-right cannot legally be taken away, or encroached upon.

The English newspapers tell me, that the Princess Charlotte of Wales is dead, and that she has left no child. There is a passage somewhere in Pope, which describes the loyal of those days as being embarrassed in an extreme degree upon the death of the King. They loved the King that was dead as well as his successor so sincerely, that they knew not how to lament the death of the one, so great was their anxiety to show unclouded joy at the accession of the other. Similar to this embarrassment is, I suppose, that of the hypocritical pretenders to loyalty of the present day. They must naturally lament the death of the Princess Charlotte; but then the prospect, which this death affords them of seeing that gracious, benevolent, wise and humane Prince, the Duke of York, come to the throne by and by! Or, in default of every thing else, of seeing a King or Queen arise out of the marriage of that illustrious and amiable personage the Duke of Cumberland, with his no less illustrious or less amiable spouse! The prospect of seeing consequences like these arise from the Princess Charlotte's death, must bring joy into their loyal hearts, and make the tears for the Princess tumble down over the dimples which this joy must bring upon their faces. It would be amusing to behold their capers; but, as there is no such thing as beholding their capers without running the risk of a dungeon or a gag, such of us as are in this country shall not think worth while to perform a voyage for the purpose. This event,

however, is not a matter of small moment. It will contribute amongst other things to hasten the destruction of despotism. It is impossible for us to feel either joy or sorrow at any event which affects any person of the Royal family, unless such event also affects ourselves, or our country. It is very well for the traders in newspapers to be "*extremely sorry*" to have to inform their readers, that the Prince has some symptoms of a sore throat; and then to be "*extremely happy*" to learn that his Royal Highness has slept well, and has gone out on horse-back this morning. This is all very well in such persons; but, coming to plain truth and sincerity, and to plain common sense, we feel no pain, we feel no pleasure, with regard to persons at so great a distance from us, except that, in that which has happened to those persons we perceive that there is a something which do, or which may, affect ourselves. This, therefore, is the light in which I view the death of the Princess Charlotte of Wales. And I am of opinion that that event will tend to good. If I am asked *why* I think so. I answer, that for the present, I do not choose to state that *why*. I am not bound to do it, and, therefore, I will not do it.

Another topic, and of much greater importance, is that of Mr. Sheriff Kirby's declaration with regard to SPECIAL JURIES. He is reported to have said at a Common Hall in London, that he and his colleague had put an end to that terrible evil. The report cannot be correct; because this pest is established by act of Parliament. The worthy sheriff cannot have put an end to them; but he may have done much to prevent their flagitious effects, as far as regards the county of Middlesex. I know that Sir Richard Phillips laboured very earnestly, while he was Sheriff, to effect this object; and I know also that all his endeavours were frustrated. I have

heard that a Noble Lord, whose name has been frequently coupled with '*trial by Jury*,' told Sir Richard Phillips, that the government would hang him, if he attempted to meddle with special juries; that by hook or by crook they would hang him. It appears, however, that Mr. Kirby and his colleague have done *something* in this way, upon which I most heartily congratulate you. Before it be long I shall do myself the honour to address a letter to Mr. Kirby on the subject, in which letter I shall show how false are the comments which the government creatures have caused to be published on his statement. In the mean while I beg leave to offer to that gentleman and his colleague my sincere thanks. There is no subject of more importance than this. It is the special juries, which have been the great instrument of injustice and cruelty in England. That they are not juries according to Magna Charta and the law of the land, you well know. You well know that they are *nominated* by a person holding an office under the Crown, and removeable at pleasure. Mr. Bentham calls them packed juries; and, if packing means selecting, picking out, choosing, arbitrarily nominating by an officer of the Crown, Mr. Bentham's definition is perfectly correct.

Another topic, which I will notice here is, a *proposed alteration in the Constitution of the United States*. As to the internal affairs of this country; as to the party disputes, and the like, they can be of little interest any where out of this country; but an alteration in the Constitution is a matter which may be well thought worthy of the attention of every friend of freedom in every country; and especially if that alteration be of very great importance. Such is the alteration which Mr. Monroe has recently proposed to the two houses of Congress with regard to *seminaries of learning*. As the consti-

tution now stands, the general or federal government has not the power to expend the public money upon establishments of this sort. Its superintendence and administration is confined to the management of every thing connected with foreign relations. The state governments manage all their own municipal affairs. If they choose to establish seminaries of learning, they do it; but the general government, that is to say, the President and the two Houses of Congress, have no such power. To give them this power is what Mr. Monroe wishes to be done; and it is what I, for the sake of the liberties of this country, most earnestly wish may not be done. You, who are so able to trace causes to effects, will, at once, perceive that such a measure would add enormously to the power of the general government; and that it would, in fact, make a change in its very nature. The government, once authorized to expend the public money upon seminaries of learning, will have a source of patronage open to it, of far greater influence than all the patronage that it now possesses. It will have the appointment of all the teachers of the people. If you were left to choose the means of laying the sure foundation of arbitrary power, would not you ask, as the first thing, for the nomination of all the schoolmasters? In Scotland there is no established, dominant church, richly endowed, as the church of England is. But for the want of this, the government has taken special care to have an establishment of *national schoolmasters*, all in its own appointment, and more servilely devoted to it than the church of England itself; because still more completely dependent upon it. In Ireland when the government wished to keep down the Roman Catholics; to eradicate their religion, or, at least, their political influence, its leading measure was to prohibit Roman Ca-

tholics from teaching in schools. A system of national schools was at the head of the measures of Napoleon for converting the French nation from Republicanism to an approbation of Royalty. The Congress are specifically forbidden to erect a national church, or to meddle with affairs of religion; but, if the Congress have the power of establishing national schools, and of choosing the schoolmasters, to what end will this judicious caution have been adopted? It is not the *religion* of our church that the government cares about: it is the *politics* of the church; and we may be well assured that the politics of the American national schools will always be on the side of power, or, of what is called regular and strong government. It is in vain to pretend that priests will not be the teachers in these schools. The jesuits have been accused of hatching a regular system for the undermining and corrupting the principles of youth. But, though this accusation be just, every priest is a jesuit as far as relates to a desire of gaining the minds of youth. All priests have necessarily the desire of influencing the minds of others. From their very calling they have a disposition to be teaching. Women and children are the materials that they like to work upon. Next to the Devil they dread men of understanding. In short, priests of some sort or other, as long as there are Priests in a country, will be the teachers. Then, you will observe, that in these seminaries, the *learned languages* will be taught. Who learns these languages? Men who become lawyers, physicians and priests. The lawyers and physicians cannot carry on schoolmastering conjointly with their professions; but, the priests most conveniently can; and with this peculiar advantage, that the more success they have in the pulpit the more crowded will be their school. If a man arrive at

great knowledge in the mathematics, or any other branch of science, and be not a priest at the same time, he naturally applies his knowledge as an architect, a surveyor, an engineer, a chemist, and he does not become schoolmaster, but the priest is your man of every day work. Six days shall he labour in teaching how to analyze gunpowder, erect batteries and level canons, and the seventh shall he preach the gospel of peace. I am aware that there would be professors of all the sciences, but the priests would have ninety-nine hundredths of the influence. All the drudgery would fall to their share. They would take the mind in its infancy; and though there might be priests of every sect under heaven; though there might be forty priests of forty different sects in one single seminary; and though no two of them would agree upon any one essential point of that religion which they all profess, and for not professing which they send to damnation every one who is not hypocrite enough to pretend to believe in a thing with regard to which their opinions are so discordant; still, the whole forty would be unanimous in the political bias and opinions; and the first thing they would impress upon the infant mind would be "*to order itself lowly and reverently to its pastors and masters;*" to regard as infidel and rebellious every sentiment in opposition to the measures or the will of the general government. For these reasons, and for many others which I could give, I most anxiously hope that the people of this country will not suffer the alteration proposed. I am far from believing that Mr. Monroe has these consequences in his eye; for I believe that very few men in the country are more sincere friends of freedom. It is a love of learning. A desire to further the growth of the arts and sciences in America by which, I

am sure, he is actuated; but, as I am very certain that the effects would be such as I have described, I hope the project will be abandoned. Matters in this respect are very well as they are. Or, rather, forced contributions to support schools have gone *quite far enough*. Whoever has the appointment of a schoolmaster, and the paying of that schoolmaster out of the public money, has a great deal of power in his hands. It may be very well questioned, whether it be wise in any people to delegate this sacred trust to any body. One would have thought, that the history of the Lancasterian and National schools in England was sufficient to make men think before they entertained intentions of a further delegation of this trust in America. Lancaster's project was laughed at, at first; but, when it was perceived the progress that he was making, forth marched the Boroughmongers under the banners of the church. DE FOE says,

"Wherever God erects a house of pray'r,
"The Devil's sure to have a chapel there;
"And 'tis suppos'd, on gen'ral computation
"The latter has the larger congregation."

In the case just mentioned, however, the fact was different; for our good old mother church soon outstripped the sectarians, and left them in a very small minority. This was teaching the children, Lancaster said, out of pure spite; but, no matter for that: the church beat him; and, though the consequences may not answer the intended purpose, still we see in this history the great importance attached to this work of teaching, by men whose principal object is, to uphold regular and strong government. I believe that every seminary of learning, established by any government, and supported by a forced contribution upon the people at large, is a great evil. The desire to see their children what is called *men of education*, is so natural to all parents, and is so strongly backed by that paternal par-

tiality, which marks out every child for excellence in the way of learning and genius. Every child of every fond father and mother is an eighth wonder of the world. All this is so natural, and it is so generally prevalent, that the people, if left to themselves, would find the proper teachers for their children, and this part of education would come unmixed with any torturing of the mind as to religion or politics. But, at any rate, if governments will be forcing some part of the people to assist in giving learning to other parts of the people, let the whole people together take care that money is not taken from them under this pretence in order to form a source of patronage, which they never intended to lodge in the hands of their government. I cannot quit this subject without noticing again, what I once noticed in a Register written in England; namely, the appointment of chaplains by the two Houses of Congress. When I lived in Philadelphia the senate, at the beginning of each session, used to choose its chaplain by vote, from amongst the Priests of the episcopal church; and the House of Representatives from amongst the Presbyterian Priests. This appeared to me to be somewhat inconsistent on the part of a Legislature, which was positively forbidden to do any thing in the way of forming a religious establishment. To put the episcopal church always uppermost appeared to be a pretty direct avowal of the *superiority*, or *dominance*, of that sect or church. In this light the matter seems to have been seen by the Presbyterians also; for, I afterwards read in an American newspaper, that, in consequence of a representation upon the subject the parties had come to a compromise, and that it was agreed by the two Houses to have prayers read to them by the Priests of the two sects, *turn about*; so that, each House had a Presbyterian prayer

one day, and an Episcopalian prayer the other day, which, taking the thing altogether, formed, perhaps, as amusing a scene as is to be met with in almost any drama that one has happened to read or behold. Whether this practice be continued to the present hour, I know not; but if it be, I should be glad to know, from any member of congress who has a minute or two to throw away, upon what **GROUND** it is, that a preference is given to these *two sects*, while it is as notorious as is the trafficking in seats in a certain assembly, which, for decency sake, shall be nameless, that there are more than a score of sects of christians amongst the citizens of these states. For me, indeed, who hold myself bound to give no encouragement, directly or indirectly, to any religion except that, which has been established by act of Parliament, and the creeds and doctrines of which, and the ritual, and every thing belonging to it are rendered plain and tangible by a good clear "Whereas" at the outset; and by distinct enactments and provisions, dressed forth with all the "Said" and other lawlike words, and with no lack of repetition; I, who hold to this religion, and take it all as it is ready fashioned for me; I, of course, must give a decided preference to this religion, and it is my duty also, not only not to encourage or not countenance any other, but to discountenance and discourage all others. But the Congress is under no such bond or obligation. It is the representative of Methodists, Muggletonians, Shakers, Jumpers, Unitarians, and of all the endless variety which christian professors exhibit to that founder who said that there was one Lord, one Christ and one Church. I should be glad to know, why the Shakers should not send a chaplain to the Congress as well as the Episcopalians and the Presbyterians. The Quakers, too,

why should not they be heard in their turn? The Unitarians, who deny the Divinity of Christ, might, indeed, be sent to the Devil, as deists, by the Trinitarians; but, they pay taxes and they help to pay these chaplains, too. In short, the whole of the sects ought to send a chaplain to each House, and if the session does not last above three months, and if the practice of alternate prayer be continued, each House might have the benefit of hearing a prayer from a different sect every day of the session. Far be it from me to question either the propriety or the efficacy of these legislative prayers. But, if the two houses stand in need of this ghostly assistance, it appears to me to be rather hard to refuse it to the President. He is one branch of the Congress. His assent is necessary to the passing of every law. In certain cases his sole voice is sufficient to prevent a law being passed; and he has besides the weighty executive duties to perform. If ghostly assistance be, then, necessary to the two Houses, the President ought of course, to have a Priest continually at his elbow. Above all things a prayer ought to be said before he puts his hand to an act. To be sure to quarter upon him a Priest from every sect might be attended with some little domestic inconvenience; and, in certain cases, where the utterance of the prayer must await the good pleasure of the spirit, delays might be occasioned; but still *consistency* requires all this. Our Prince Regent has his chaplains in *ordinary* and *extraordinary*, amounting to several scores in number, so that he can never be at a loss. He can never be taken short. The moment he wants a prayer he can have it. Each house of Parliament has a chaplain continually in attendance, and these operations, being generally performed before the members arrive, never occasion any delays. As for the Regent, one of

his chaplains is always "in waiting." Those gentlemen take the duty, turn about, as sentinels, sent out from a guard house. They do not, indeed, stand at the door of the Prince's apartment, but of a Room of their own, where they dine with their friends upon good roast beef and port, and are thus kept in good care, and constantly ready for a fight with the enemy of mankind. This would suit the Cossack Priests of New-England delightfully! But then, our Prince's chaplains are all of one Church. There is a consistency in the thing from the beginning to the end. I shall quit this matter, but I must add, that, as things are now managed by the congress, as far as relates to religion I am amongst those who cannot be called their admirers.

Having despatched these matters, with regard to which I could not remain wholly silent, I now come to the main subjects of my letter.

In my third letter to you, dated on the 8th of December, I informed you, that eleven gentlemen, being half pay officers or otherwise recently in the service of England, had been arrested at Philadelphia, and at the prosecution of the district Attorney General of the United States, had been imprisoned to await their trial in April next. The cause of their arrest and imprisonment was stated to you in the letter here referred to. These gentlemen are, I am happy to inform you, now released in consequence of the bill presented against them having been thrown out by a grand jury. You should be informed, that the judges of the government of the United States are, some of them, called district judges, and others of them judges of the supreme court. One or more of these judges of the supreme court generally assist the district judge, or rather is assisted by the district judge, in each district respectively; and, in this distribution of the

business of jurisprudence, each state forms a separate district. The stated times for holding the courts are September and April; so that, the gentlemen before mentioned, having been arrested in October, would, according to the regular course of things, have remained in prison until the eleventh of April, though, it appears that they had been guilty of no offence whatever against the laws. But, Mr. PETERS, the district judge, ordered a *special court* to be held in December, and at this court the grand jury threw out the bill against them.

The conduct of the Attorney General upon this occasion affords pretty good ground for believing, that the office of Attorney General is not of all things in the world the best calculated, in any country, to make men extremely modest or merciful. Before I proceed any further, I will lay before you some authentic documents relative to this subject. The first is the copy of a letter from Mr. BAGOT our envoy to the United States, addressed to the gentlemen in prison. The second is the copy of a letter from Mr. JOHN QUINCY ADAMS, the Secretary of State, to Mr. BAGOT, in consequence of the receipt of a memorial from the imprisoned officers, which memorial had been transmitted to the secretary through Mr. BAGOT. The third document is a copy of a letter from Mr. INGERSOLL, the District Attorney General, to Mr. ADAMS, and which letter is stated by Mr. ADAMS to be an answer in reference to the memorial. In the reading of these documents you will feel great satisfaction in observing that the English Minister and the English Consul appear not only to have done their duty, but to have so acted as to convince you, that they feel no enmity towards that cause in which the persecuted military gentlemen are so laudably engaged. I beg you to mark well the tone and spirit of Mr. INGERSOLL's letter, which, as far as I can

make English of it, is an invective, not less bitter against the District Judge, than against the English Officers themselves. However, let me not anticipate. When you have read the documents, I shall have to trouble you with some observations upon several parts of this gentleman's curious composition.

No. I.

Mr. BAGOT to Col. NEEDHAM, &c.

Washington, December 5th, 1817.

GENTLEMEN,

I greatly regret that it should not have been in my power to give you earlier information, of the result of the application which I made on the 6th of last month, to the American Government, in your behalf.

I now inclose to you, the copy of a letter which I received, on the 2d instant, from the secretary of state, transmitting to me the copy of a report which has been received at his Department from the Attorney of the United States, for the district of Pennsylvania, upon the subject of your arrest and commitment. I abstain from making any remarks upon the nature of this report; but you will not be surprised at learning, that under the representations which it contains, the American Government does not conceive itself warranted in taking any measures which may interfere with the ordinary proceedings of the law.

It is, however, still to be hoped, that its extreme rigour may in some degree be mitigated, and that you may expect to have the advantage of an early trial.

Upon the receipt of your letter of the 26th of November, which did not reach me till the 30th, I immediately waited upon Mr. Adams, represented to him the personal inconvenience and hardships to which you were exposed in your confinement; and I requested that directions might be given, that such alleviation should be afforded of your condition in these respects, as

might consist with your situation in life, and the peculiar circumstances of your case. Mr. Adams assured me that, upon the receipt of my letter of the 6th of last month, instructions had been given to the district attorney, directing that every accommodation of this kind, which was within the competency of the executive government to extend, should be afforded to you.

I have the honour to be,
Gentlemen,
Your most obedient
humble servant,
CHARLES BAGOT.

No. II.

Mr. ADAMS to Mr. BAGOT.

Department of State, Washington, Dec. 1, 1817.

SIR,

The memorial of sundry British officers, confined in prison at Philadelphia, upon a charge of having violated the laws of the United States, by preparing within the United States a military expedition against Spain, which accompanied your letter of the 6th of last month, was immediately transmitted to the Attorney of the United States for the district of Pennsylvania, and I have now the honour to enclose a copy of his answer in reference to it, from which you will perceive, that there are in the memorial some very material errors in the statement of the facts, and that every thing has been done within the competency of the executive government to alleviate the condition of the persons in question, whose conduct in relation to the laws of this union, had necessarily become the subject of investigation and decision by the judicial tribunals.

I have, &c.

(Signed) JOHN QUINCY ADAMS.

No. III.

Mr. INGERSOLL to Mr. ADAMS.

Philadelphia, Nov. 15th, 1817.

SIR,

I have now the honour to report to your department a statement of the

circumstances of the arrest and detention of several British officers in confinement at Philadelphia. On the 27th of October, the Spanish consul brought to my office, Mr. John Williams, a British subject, who, the same day made affidavit, before a magistrate, that the Brig Ellen, laden with a great quantity of ready made clothing, together with arms and accoutrements, and appointments and equipments complete for one or more regiments of cavalry, for the revolutionary army in South America; dropped down the river Delaware from the port of Philadelphia that day, for the purpose of sailing on the said warlike expedition; that colonel Needham, captain Perkins, captain Ferrier, captain Holland, surgeon Fry, lieutenant George Stacey, lieutenant Richard Stacey, lieutenant Beaix, lieutenant Webster and lieutenant Parker, were either on board of the Ellen or attached to her, about to depart on the said warlike expedition; that the said persons had within the limits of the United States being knowingly concerned in the furnishing and fitting out the said Brig Ellen, with intent to aid, and co operate in warlike measures in the service of certain foreign states, climes, and people, to wit, some one or more of the revolted colonies of Mexico, or South America, against the subjects of a state with whom the United States are at peace, to wit, Spain; and that the said persons then held commissions from some foreign government or persons, for the purpose of enabling them to wage war against Spain, and that the said persons had within the territory and jurisdiction of the United States, being knowingly concerned in adding to the equipment solely applicable to war, of the said Brig Ellen.

This affidavit you will perceive, Sir, implicated the accused in charges of having violated,

1st. The third section of the Act of Congress, dated the 5th June, 1794;

entitled, An Act in addition to the Act for the punishment of certain crimes against the United States.

2d. The fifth section of the same Act of Congress.

3d. The first section of the Act of Congress, dated the third of March, 1817, entitled, An Act more effectually to preserve the neutral relations of the United States.

On this affidavit the magistrate issued his warrant on the afternoon of the 27th ultimo. All the accused were apprehended that evening except Mr. Ferrier, who escaped by flight, from the pursuit of the marshal and his deputies, to whom the service of the process was intrusted. Mr. Ferrier was *afterwards* taken on the 29th of the month; the others enjoyed the legal opportunity of a full examination of Mr. Williams, and another witness against them, Mr. Peter Hogan, another of their military comrades, there for the first time appearing, with both of whom the officers were confronted in the magistrate's office. During a thorough investigation of the causes of the proceeding, the result was, his satisfaction in those causes, and their commitment to prison, as they declared their inability to give bail.

On the morning of the 29th of October, having in the interim procured counsel, as I understood, through the agency of the British consul, they applied by petition to the circuit court of the United States, for this district, then in session, for a writ of habeas corpus, which was immediately awarded, and made returnable the same afternoon, that being the time fixed by the counsel of the applicants. At the time thus appointed, the regular business of the court was suspended for two days, during which the causes of commitment were elaborately inquired into, a great many witnesses examined on both sides, the case deliberately discussed and considered. It appeared in evidence that the accused had openly

embodied themselves, together with Messrs. Williams and Hogan, in the course of last summer at Brussels, as officers of a cavalry regiment to be employed in the services of the revolutionists of South America; that not finding a direct conveyance from Antwerp, where they embarked, to any place in the neighbourhood of the head-quarters of General Bolivar, they sailed on board of an American vessel, for the United States, in order to proceed from here to the scene of warlike action; that they brought with them (each man) a complete cavalry equipment, that they continued in the original organization of their expedition united in a military band, in this country, and this city, where they were drilled every day, at the colonel's head-quarters, in military discipline; that colonel Needham had re-enlisted Mr. Hogan in this country, to serve in his regiment in South America; that their passages were all taken and paid for on board of the Brig Ellen, whose owners contracted to supply them with stores, and had constructed temporary births, for their accommodation during the voyage; that the Brig Ellen was clandestinely loaded with large quantities of gun-powder, muskets, pistols, cannon-balls and shot, military clothing, drums and trumpets, with a disguised manifest, cleared out ostensibly for Surinam, but really for Laguaira, should it be found in the possession of the revolutionists.

It further appeared in evidence, that while on board of the American vessel, in which the accused came from Antwerp to New-London, several of them, if not all, had been guilty of what our law denominates revolt on the high seas, and confinement of the master of the vessel, in which they were passengers.

Thus besides the three specific charges disclosed by the affidavit on which their commitment was founded,

it appeared that they were liable to indictment for,

1st. In violation of the second section of the Act of Congress before mentioned, dated 5th June, 1794.

2d. A violation of the eighth section of the Act of Congress, dated the 30th of April, 1790, entitled, An Act for the punishment of certain crimes against the United States.

3d. A violation of the twelfth section of the last mentioned Act of Congress. After hearing all that could be said by eminent counsel in their behalf, the court pronounced its opinion that there was cause for the commitment, and ordered the petitioners to be remanded to prison, unless they gave bail, each one, in the sum of 300 dollars for appearance at the time of trial.

Not having been able to afford this bail, as I suppose, they have since remained in confinement. Their treatment in custody, and at all times and in all things since their arrest, I have reason to believe has been remarked by the liberality and indulgences which characterize the institutions and officers of this country to men in such situations; and adverting to the severe pecuniary penalties in addition to the personal punishments with which the different sections of the violated laws are armed against the misdemeanour in question, you will not fail to observe, that the bail was fixed by the court at the most moderate amount. The President may rest assured, Sir, that nothing has been, or will be omitted to alleviate their predicament; their custody is as liberal as is compatible with their detention for trial. It happened, quite unfortunately for them, as respects the period of their imprisonment, that the grand jury was discharged a day or two before the arrest of these persons, who would otherwise have been put on their trial immediately. But a special court, for that particular purpose, has been ordered

for the 15th of December, instead of the 11th of April, when the stated session will be held; and I am informed that this unusual act of accommodation to prisoners, has not been found consistent with the multifarious business of the court for the last fifteen years, nor can it now be granted without both public and private inconvenience. There are considerations of the greatest character connected with the proposed special session, which may perhaps prevent its taking place. The circuit Judge cannot attend it by reason of his indispensable engagement elsewhere as a member of the supreme court, and it is questionable whether the district Judge has authority to hold a circuit court alone; it would not be proper hastily to expose the jurisdiction of this important court to such a disparagement, if to be apprehended it would answer the ends of the prisoners, as little as it would those of the general administration of justice, thus to draw its permanent usefulness into question and controversy, for the sake of indulging prisoners, whose case is not harder than that of most others, particularly the needy and the unprotected, with an extraordinary trial; but the Judge, whose respect for station and his duty suggests to him these anticipations, is animated, on this, as on all occasions, with the best dispositions to administer justice with the mercy of promptitude. He will no doubt undertake alone the laborious responsible functions of the special session, unless in his deliberate judgment, there should be satisfactory reasons for referring this case, like all others that have been tried in this district for the last fifteen years, to the regular and stated session of the court constituted as heretofore.

I have, &c.

(Signed.) C. J. INGERSOLL.

With regard to this statement of Mr. INGERSOLL, you will first give me

leave to observe, that, in my third letter, observing upon the tendency of the acts of Congress, of which I was speaking, I said, "that man must be a *bungling lawyer*, indeed, who can not upon this section of the act find the means of convicting any man, and of exposing him to a punishment more severe than that of death." Now, I dare not say, that Mr. INGERSOLL is a *bungling lawyer*; because the professional gentlemen in Pennsylvania are, as I have good reason to remember, extremely thin skinned, when they are the party attacked, though the excellent laws of New-York, *where truth is not a libel*, would, perhaps, make it quite safe for me to say as much. However, I will not call him a bungling lawyer: it is sufficient that I put his statement in print. Bungling or not bungling, however, you will perceive, by a reference to his statement, that he has made the attempt, which I described in my third letter, and that he has proceeded upon that very construction which I said the act would admit of; which makes it quite clear that neither of the acts can remain in force.

A man of more talent and of less presumption and less offensive manner than Mr. INGERSOLL. A man, who would have known how to appear friendly to the cause of the Patriots, while he was really devoted, from whatever motive, to the cause of the petticoat-maker: such a man would have rendered it extremely difficult for the District Judge and the grand jury to act a lenient part. Mr. INGERSOLL appears to have been too full of his own consequence, to be a good advocate in such a case. The very tone of his statement; his waspish observations on the conduct of the Judge; his sarcasm on that gentleman, while it is perfectly bluntless as sarcasm, is extremely efficacious in discovering his own anger and mortification. He appears to be so much

of a *party*, that it is no wonder that the grand jury should have adopted none of the impressions which he endeavoured to force upon their minds.

The grand jury! What had he to do with the grand jury? You will say. Indeed, I could hardly believe my own ears, when I was informed, that the grand jury was, upon this occasion, addressed by the Attorney General. Never having heard or dreamt of such a proceeding before, I was very particular in my inquiries about it, and I can assure you that it was the fact. I do not know that Mr. INGERSOLL challenged the jurisdiction of the court to its face, as he has done in the above statement; but I know very well that he did address the grand jury, and that he told them, before they were sworn in, that, if any one of them *felt the smallest sympathy for the prisoners, or for the cause in which they were engaged*, that man was unfit to be upon the jury, and ought not to take the oath. He said a great deal more; but at last, it appears, what he said had no effect. The judge, it seems, scouted this strange notion about sympathy as not only unknown to any principle of law or justice, but, as being, in the present case, perfectly ridiculous, seeing that no man in the country was to be found destitute of such sympathy, except, indeed, the agents of Old Spain. This proceeding on the part of the Attorney General was, in the first place, wholly novel. He must have known that he was committing an outrage upon the feelings of the judge by this audacious usurpation of his functions. He must have known that the public feeling was against him, otherwise why did he so labour to guard against the effects of this terrible sympathy? He must have known that he was not acting according even to the feelings of the government from which he holds his commission; for, the tone

of Mr. ADAMS's letter, is by no means of that hostile and bitter description towards the gentlemen imprisoned. Seeing that he must have known all this, where are we to look for the *motive* for his conduct. A man, be his rank what it may, does not, in this country, lightly set public opinion and public feeling at defiance. Besides Mr. PETERS, the District Judge, is a gentleman of very long standing in high station. I believe he has been forty years, either speaker or member in the legislature of Pennsylvania, and that he has been more than twenty years a judge; besides being a gentleman always of considerable wealth and private estate, and always very much respected by all parties. Mr. INGERSOLL is in no respect a person to weigh in the scale against Mr. PETERS; and, therefore, if you look at the close of Mr. INGERSOLL's statement to Mr. ADAMS, where the former of these makes so very free with the understanding as well as with the decision of the District Judge, you will agree with me, that there must have been *a most powerful motive at bottom*. The public here have had no scruple in naming that motive in very distinct terms. The matter is of less consequence on your side of the water, and, therefore, I shall say no more about it.

You will perceive in Mr. INGERSOLL's statement, that he talks about a *regular drill* being carried on "*at the Colonel's head quarters*." Only think, my dear Sir, of a regular drill of eleven persons, all of whom were old soldiers! This may be a good hint for our Boroughmongers; and when I shall again have the happiness to meet you, you having been a Major, and I having been a Sergeant Major, the traitors may take a hint from Mr. INGERSOLL, and indict us for holding a regular drill. Indeed, their spies in Lancashire and Nottinghamshire, have already, and years back disco-

vered a drilling of this sort. They discovered, that the "*disaffected*" (meaning the oppressed) "*held a regular drill*" by night! Only think of a drill by night. The dealers in blood never could *see* this drill; but they heard the words of command; they heard the arms rattle; and precious villains! they swore that there was a regular drill of whole companies, squadrons and battalions! So that, Mr. INGERSOLL's notion of a regular drill, whatever other merit it may have, does not appear to be wholly original.

In another part of his statement he says that Colonel Needham "*had re-enlisted Mr. Hogan in this country*." Now, if you refer to the Acts of Congress, you will find, that it would have been criminal to raise soldiers, or to embody and set on foot a military corps for the purposes specified in the Acts. If facts of this description could be made out, there would be no doubt of a violation of the law. Hence these allegations about drilling and about the Colonel's *head quarters*. Pretty head quarters! To wit, as Mr. INGERSOLL says, a gentleman's lodgings at a boarding house, without a sentinel at his door, and without the possibility of having the command or any species of authority over any one of the eleven persons in his company, or any other person in the country. These were pretty head quarters, indeed, strain if you please Mr. INGERSOLL, but, you will in future, I should hope, have the precaution to strain with a more delicate hand. The result of your late proceedings may serve to teach you, that plain truth is far better than over-straining.

Hence, too, this part of the statement about the *re-enlisting* of Mr. Hogan, who, it appears, was one of the informers against Colonel Needham and his associates. Mr. Hogan swore this, as Mr. INGERSOLL represents. He might swear it; but the

thing was impossible. No enlistment that Colonel Needham could make could be binding upon Hogan. If the Colonel had given him a hundred guineas bounty, and had sworn him in, the agreement was cancelled of itself; it was a nullity. English soldiers or sailors, landing in this country, under the command of their officers, who are present with them upon the spot, become free, if they choose it, the moment they land; and, though the act, supposing the men to have freely enlisted, and to have been treated justly, is a very dishonourable act of itself, still the laws of no country, except under the despotisms of Europe, refuse liberty to any man who has made a similar contract upon entering into a foreign service. The Holy Alliance and the Alien Act in England are monsters in government, but these monsters have not yet extended their influence to the United States. Therefore, there could be no re-enlistment, in fact. The thing is ridiculous upon the face of it; and in that light it must of course have appeared to the grand jury in Philadelphia.

It is useless to detain you longer with observations upon this statement. As to the murder which it commits upon the English language, it is happily innocent in its effects; but, in justice to the legal gentlemen of this country, I ought to observe that I regard this statement as an exception to, rather than as a specimen of their written performances. How a man of such very moderate talent as is discovered in this statement, as well as in the whole of the proceedings of Mr. INGERSOLL; how such a man came to be placed in so eminent a station, is a question that I am unable to answer; but, at any rate, those who assume the responsibility of selecting men for high public stations, should take care, it seems to me, that, when they choose to dispense with talent,

they should provide against a want of a proportionate degree of modesty. Presumption is becoming in no man; but it amounts to audacity and insolence when we meet with it unaccompanied with commanding intellectual powers. That which the nation bore with some degree of patience from PITT, it beholds, in CASTLEREAGH, with a mixture of scorn and abhorrence.

You will perceive, from Mr. ADAMS's letter, that he points out to Mr. BAGOT some *errors* in the statement of the officers, which errors he appears to suppose to exist, because the memorial of the officers is, in some respects, I suppose, contradicted by Mr. INGERSOLL's statement. The officers, therefore, upon the receipt of this document from Mr. BAGOT, drew up a regular and circumstantial commentary upon the Attorney General's statement. In this commentary they have completely answered and refuted every pretended charge against them; at the same time they have frankly, and manfully declared the real truth as well with regard to their intentions as their acts. At a leisure moment, I will send you a copy of this commentary, the original of which is, of course, in Mr. BAGOT's possession. At present it is unnecessary to do this, seeing that the statement of the Attorney General itself is quite sufficient. It requires no other exposure than that which it contains within its own paragraphs and sentences. He feared the Judge, he feared the Jury, he feared *trial*. He feared every thing that could afford these officers a chance of being at liberty to pursue their honourable voyage. He says, "it happened *quite unfortunately* that the grand jury was discharged a day or two before the arrest of these persons, who would, otherwise, have been *put on their trial immediately*." Well, as this was "*quite unfortunate*" (not to quarrel with the

affectation of the phrase); as this was "quite unfortunate," we naturally expect to hear him express his pleasure, when he proceeds to say that, "a special court for that particular purpose has been ordered for the 15th of December instead of the 11th of April." We naturally expect to hear him express his pleasure at this. Not he faith! But he begins immediately to talk of the novelty of this order and of this "unusual act of accommodation to prisoners;" and then he says, "nor *can* it now be granted without both public and private inconvenience." Though it *has been* granted. Though the Judge has made the order. And then the Attorney General goes on to solicit the government, in an indirect manner, to interfere with the judge, and to prevent the special session from taking place, and draws along to the end of his letter in a strain of sarcasm so awkwardly managed as to cut only against himself.

You see then, my dear Sir, that what he wanted was *delay*. He saw eleven gentlemen engaged in the cause of the Spanish Patriots, and if he could keep them in the jail of Philadelphia for six months, he had logic enough in his head to arrive at the conclusion, that, during those six months, they would not be able to render much service to that cause. However, he himself has rendered more real service to that cause than these gentlemen could have rendered it, even if they had raised fifty times their numbers, and safely landed months ago on the shores of South America; for, by his proceedings he has brought the question of Spanish America into full discussion; by his proceedings he has shown what deeds, what oppressions, are capable of being perpetrated under the Acts of Congress of which I have spoken; by his proceedings he will cause those Acts to be repealed or modified; by

his proceedings he has roused the feelings of the whole country, and which feelings will, at last, communicate themselves to the Congress, and there produce that which is loudly called for by justice as well as by that love of universal freedom, which is inseparable from the hearts and minds of the great mass of the people.

As I observed to you before, the English envoy, and also the English consul at Philadelphia, appear to have acted very properly and even zealously upon this occasion. Mr. INGER-SOLL, in his statement to the Secretary of State, volunteers the observation, that he understands that the imprisoned gentlemen, whom he, in his polite style, calls "*persons*," had procured counsel "through the agency of the British consul." Well! and what then? What does he mean by agency? He would think it rude, I dare say, if I were to assert that he brought forward the prosecution; or that he was *procured*, upon this occasion, through the *agency* of the Spanish consul. And yet, according to his own statement, this was the fact. However, the fact of the English consul having acted a friendly part towards the prisoners is of real importance in my view of the matter. From the character of Mr. GILBERT ROBINSON, who, I understand, is our consul at Philadelphia, I should be led to expect every thing kind in disposition towards English gentlemen, situated as the prisoners were; but, I am persuaded that neither he nor Mr. BAGOT would have taken the open part which they have taken in this affair, if they had not been pretty well convinced, that, at bottom the Boroughmongers are favourable to the independence of the Spanish Colonies. The truth is, that they *must* be favourable to that cause. It is a curious co-incidence, that in this one thing they agree with us. Our reasons are widely different. We are favourable

to the cause, because we are convinced, that that cause cannot triumph without bringing our triumph in its train. They are favourable to the cause, because of their manifold embarrassments and necessities, and because their opposition would eventually be fruitless. They bolster themselves up, too, with the hope that this new outlet to manufactures and enterprise will hush the nation for a while, and make it forget possibly their usurpations, their oppressions, their dungeons, their gags and their dealers in human blood. It is very curious to observe, also, how the English minister and consul is associated with, in this country upon this particular occasion. You would expect, perhaps, that the imprisoned gentlemen, being English officers, would have met with consolation and assistance from the English merchants, and the bustling puffed up agents of great English manufacturers, who are always talking about their loyalty, and who form themselves into what they call St. George's societies, where they make a temporary addition to their native stupidity by drinking, "*the King, God bless him!*" And then a bumper with bawlings nine times over for his Majesty, followed by bumpers to each member of his gracious and royal progeny, by no means forgetting her Majesty. Whether they drink her Royal Highness the Princess of Wales is more than I can say. You would expect, perhaps, that some of these gentlemen bursting with loyalty, while the oath of abjuration still sticks in their throats; you would expect, perhaps, that, for mere decency sake, some of these abjurers, who are for ever bawling about the English army and navy; you would expect that, merely for outward show, and for nothing else, some of these men would have shown a little sympathy for the gentlemen imprisoned; that they would have visited them in their pri-

son; that they would have tendered themselves as bail for them. Not at all. Not a reptile of them has stirred an inch. Mr. Carey of Philadelphia lent them his powerful assistance, and Mr. Carey is a gentleman who left Ireland many years ago on account of the oppression of his country, and on account of that denial of liberty which existed there and which did not exist here. But you will know at once what is the description of persons from whom these gentlemen have received consolation and assistance, when I tell you that your highly esteemed friend Hulme has been amongst the most active and most zealous. Is it not curious, my dear Sir, that the English minister and English consul should be here acting in concert with those very men that the injustice of the Boroughmongers have compelled to transport hither their families and their fortunes?

The cause is as I have above described it; and in this strange and apparently unnatural co-operation, I see no weak symptom of a disposition in the nation at home. As I have frequently said, so I again say, that England must interfere for the Spanish Colonies, and that she cannot interfere against them. Fain would the Boroughmongers avoid an interference; but, as the thing will be done without them if they do not interfere, and as they dare not interfere against the Colonies, they must, and they will yield to the general voice of the nation and interfere for them.

In the mean while every thing that I behold here contains promise of success to the Colonies. The voice of the people here is for them. The Holy Alliance is such a monster that it is beheld here with feelings of abhorrence not to be described. There is something so audaciously tyrannical in a combination against the liberties of every man in the world, in conventions and treaties to surrender fugitives, and to suffer the bloodhounds of one tyranny to pursue their game within the confines of another tyranny, as is now the case in Europe;

there is something so insolent in this ; something so much worse than any thing that is recorded of the Devil, that it fills every breast with unutterable resentment against the hatcher and contrivers of a system which seems to consider man as more degraded than a brute. There are no persons belonging to the government of this country who view with approbation so infernal a system as that of the Holy Alliance ; but, if there were, they would be compelled to hold their tongues, or they would soon be dismissed and sent to sneak out their lives in oblivion.

Therefore, let the Boroughmongers be assured, and I have great pleasure in conveying to them the news, that, if, with their dungeons and gags, they should be able to restrain the English nation from giving its countenance and assistance to the cause of the Colonies, they will not be able to restrain the people of America from giving that countenance and that assistance.

It was my intention to have made some observations on the sort of employment which Sir Francis Burdett has given himself amongst the placemen, pensioners, Boroughmongers and bagpipers of Ireland, while some of the poor Deputies, are pining in those jails and dungeons, to which they have been introduced in consequence of his having called them together under his own hand, it was my intention to have reminded him of his

having told Mr. Wilberforce, only during the last session, that it was the duty of a good christian to visit the imprisoned, and that one of the accusations against the damned would be, that they had neglected to perform that duty. It was my intention to have made some remarks upon the conduct of a fellow at Manchester of the name of Cross, who, as the newspapers tell me *defended* the poor fellows at Derby, by impudently asserting that they had been led to commit treason by the reading of Cobbett's Register, when the fellow must have known that there had been no Register published for more than two months previous to the riot, and that, until the Register was stopped by my leaving England no riot whatever took place in any part of the country for many months, though those months were unparalleled in point of suffering. It was my intention to have made some remarks on the very feeble attempts which have been made to apologize for, and explain away the conduct of Sir Francis Burdett. But these topics must be reserved for a future occasion, and in the mean while, in perfect health, and surrounded by a family equally healthy, and in anxious hope that this letter will find you and all who are dear to you, in the same state.

I remain

Your faithful friend

And most obedient servant,

WM. COBBETT.

NOTICE.

* * The Publisher begs leave to remind those Subscribers to Cobbett's Political Register who have not paid up the amount of their several subscriptions for the *whole year*, that their *advance* became due on the close of the second American Volume, agreeably to the terms proposed in the 1st Number, and noticed again in the 25th Number.

Errata in No. 6, published 3d January.

In page 162, line 6, for *lie* read *lay* ; in p. 164, line 25, for *like* read *likely* ; in p. 173, line 3, for *underrating* read *undeviating* ; in p. 173, line 5, for *place* read *pace* ; in p. 187, line 26, *unalterable* read *unutterable*.

TO LET.

Until the first of May next, an OFFICE, at No. 19 Wall Street, formerly occupied as Cobbett's Register Office.

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